

U.S. Serial No. 09/826,505

Response to the Office action of December 21, 2004

Remarks

By way of the foregoing amendment claims 21 and 22 have been added, and claims 19 and 20 have been cancelled without prejudice. Accordingly, claims 1-18, 21, and 22 are pending and at issue in the above identified patent application. Of the claims at issue, claims 1, 4, 7, 10, 13, and 16 are independent. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

The Rejections Under 35 U.S.C. §§ 102 & 103

All of the originally filed claims were rejected as anticipated by or as being unpatentable over McMullan (US 5,550,825). It is respectfully submitted that all claims are allowable over McMullan for the reasons set forth below.

Independent claims 1, 4, 10, 13, and 16 recite, *inter alia*, receiving a broadcast information stream, identifying erroneous or blank packets in the broadcast information stream, and replacing the erroneous or blank packets with a local information stream. Independent claim 7 recites receiving a broadcast information stream including erroneous packets and inserting local information packets in place of the erroneous packets. It is respectfully submitted that McMullan does not disclose or suggest such arrangements.

McMullan is directed to a headend method and apparatus for a digital transmission system. In particular, McMullan discloses supplementing or replacing program information from a remote program source with program information from a local source. Further, McMullan discloses selectively replacing control information from a remote program source with control information provided by a system operator at the headend processor.

While, as noted above, McMullan appears to disclose replacing information from a remote source with information from a local source, the cited portions of McMullan do not disclose or suggest that erroneous or blank packets should be identified or replaced with a local information stream, as recited by claim 1, 4, 10, 13, and 16. In fact, McMullan is largely silent with regard to the criteria to be used when deciding to replace remote information with local information. It is respectfully submitted that the cited portions of McMullan provide no suggestion that the information being replaced includes erroneous or blank packets.

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Claim 7 recites that broadcast information including erroneous packets is received and location information packets are inserted in place of the erroneous packets. It is respectfully submitted that the cited portions of McMullan do not disclose or suggest that local information could or should be inserted in place of erroneous packets.

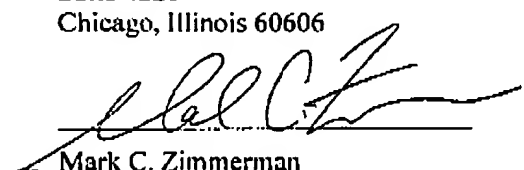
It is respectfully submitted that the foregoing differences are significant because the recited systems and methods conserve bandwidth by eliminating packets that are erroneous or blank and, therefore, not capable of being used. By contrast, McMullan appears to replace control information that is valid and, therefore, not erroneous or blank. Arguably, the replaced information of McMullan is extraneous, but there is no disclosure in McMullan that the packets that are replaced are erroneous or blank.

Based on the foregoing, reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

Respectfully submitted,

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